

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LOGAN QUINN SANDAU,

Defendant.

CR-12-66-GF-BMM

**ORDER ADOPTING MAGISTRATE
JUDGE'S FINDINGS AND
RECOMMENDATIONS TO REVOKE
DEFENDANT'S SUPERVISED RELEASE**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on October 11, 2016. (Doc. 59.) Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on October 4, 2016. (Doc. 58.) Sandau admitted to having violated the conditions of his supervised release by (1) providing a urine sample that tested positive for marijuana, (2) consuming alcohol and entering an establishment where alcohol is the primary item of sale, (3) failing to report for substance abuse counseling, and (4) failing to report for substance abuse testing. (Doc. 59 at 1.) Judge Johnston found the evidence sufficient to establish that Sandau violated the conditions of his supervised release. *Id.*

Judge Johnston recommends this Court revoke Sandau's supervised release and that the Court sentence Sandau to time served, with thirty-three (33) months of supervised release to follow. (Doc. 59 at 5.) Sandau's criminal history category is I, the current offense is a Grade C violation, and the underlying offense is a Class C felony. The statutory range is a maximum of 24 months. The applicable guideline imprisonment range is 3 to 9 months. The statutory and guideline term of supervised release is a maximum of 36 months.

This Court finds no clear error in Judge Johnston's Findings and Recommendations. Sandau's current violations are serious and warrant revocation of his supervised release. A sentence of time served with thirty-three (33) months of supervised release to follow is sufficient, but not greater than necessary.

IT IS HEREBY ORDERED that Judge Johnston's Findings and Recommendations (Doc. 59) is ADOPTED IN FULL. **IT IS FURTHER ORDERED** that Defendant Logan Quinn Sandau shall be sentenced to **time served** followed by **thirty-three (33) months of supervised release**. The previous supervised release conditions are imposed.

DATED this 31st day of October, 2016.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive style with a horizontal line underneath it.

Brian Morris
United States District Court Judge